

REMARKS

Applicant notes with appreciation that, in the Office Action of September 20, 2007, claims 6, 7 and 11 were objected to as being dependent upon a rejected base 5 claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 1-5, 9, 10, 12, 13 and 15 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,142,699 B2 (hereinafter “Reisman et al.”). In addition, claims 8 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over 10 Reisman et al. or Reisman et al. in view of U.S. Patent No. 5,926,555 (hereinafter “Ort et al.”). Claim 8 was also objected to because the term “filers” should be “filters”. Furthermore, claim 1 was rejected on the ground of non-statutory 15 obviousness-type double patenting as allegedly being unpatentable over claim 1 of co-pending Application No. 10/541,910 (U.S. Patent Application Publication No. 2006/0072794 A1).

In response, Applicant has rewritten the “objected to” claims 6 and 11 in independent form as new independent claims 16 and 17, respectively, including all of the limitations of the base claim and any intervening claims. In addition, Applicant 20 has amended the independent claim 1 to more clearly distinguish the claimed invention from the cited reference of Reisman et al. As amended, the independent claim 1 is not anticipated by the cited reference of Reisman et al., as explained below. Applicant has also amended claim 8 by replacing the term “filers” with “filters.” Claim 9 was also amended to correct a minor error.

25 With respect to the “provisional” obviousness-type double patenting rejection of claim 1, Applicant notes herein that this rejection will be addressed at a later time, assuming that this rejection is still applicable.

30 In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-17 be allowed.

I. Patentability of Amended Independent Claim 1

As amended, the independent claim 1 includes the limitation of “*the areas of the image that are determined are each filtered exclusively with a single Gabor filter adapted to the given direction,*” which is not disclosed in the cited reference of Reisman et al. Thus, Applicant respectfully asserts that the amended independent claim 1 is not anticipated by the cited reference of Reisman et al., and requests that the independent claim 1 be allowed.

10 A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

15 The cited reference of Reisman et al. discloses a method for matching fingerprint images. As noted in the Office Action, the cited reference of Reisman et al. in column 6, lines 40-52, discloses using “eight (8) Gabor filters” on an enhanced image that has been segmented. Furthermore, as stated in column 7, lines 29-30, “[f]iltering requires convolving the enhanced image, H, with each of the 8 Gabor filters in the spatial domain.” Thus, the cited reference of Reisman et al. does not disclose “*the areas of the image that are determined are each filtered exclusively with a single Gabor filter adapted to the given direction,*” as recited in the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Reisman et al. As such, Applicant respectfully requests that the 20 amended independent claim 1 be allowed.

25

II. Patentability of Dependent Claims 2-15

Each of the dependent claims 2-15 depends on the amended independent claim 30 1. As such, these dependent claims include all the limitations of the amended independent claim 1. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as the amended independent claim 1.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Reinhard Meier

5

Date: December 19, 2007

10

By: thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300